

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

PAUL MOORE,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 08 CV 3
)	
JEFFERIES & CO., INC.,)	Hon. Blanche M. Manning
)	
Defendant.)	

PRELIMINARY JOINT STATUS REPORT AND DISCOVERY PLAN

A. Nature of the Case

1) Basis for jurisdiction, nature of the claims and counterclaims.

This is an action seeking damages for breach of contract and in quantum meruit, pled in the alternative. Plaintiff Paul Moore ("Moore") alleges that he is owed a finder's fee by the defendant Jefferies & Company, Inc. ("Jefferies") for services which he alleges resulted in Jefferies providing financing for a major race track and casino project.

This court has diversity jurisdiction over the matter pursuant to 28 U.S.C §1332, as the plaintiff and defendant reside in different states and the amount in controversy is greater than \$75,000.

2) Relief Sought by Plaintiff.

Moore seeks 15% of the financing fee paid to the Jefferies, in addition to prejudgment interest, cost of this suit, and such other relief that this court deems just and proper. As Moore alleges that Jefferies' fee was approximately \$6 million, he seeks \$900,000 plus prejudgment interest, cost of this suit, and such other relief that this court deems just and proper.

3) *Names of any parties that have not been served.*

All parties have been served.

4) *Major legal and factual issues.*

Plaintiff has brought two Counts alleged in the alternative. First, Moore alleges a claim for *quantum meruit*. Thus, a major legal and factual issue is whether Moore was the procuring cause of defendant Jefferies' transaction. Moore has also alleged a claim for breach of contract. Thus, the second major legal and factual issue is whether the parties entered into a valid and subsisting contract.

B. Preparation of Draft Scheduling Order

- a. Initial Disclosures pursuant to Fed. R. Civ. P. 26(a)(1): March 4, 2008
- b. Deadline to join other parties: July 15, 2008
- c. Deadline to amend the pleadings: August 15, 2008
- d. Completion of Fact Discovery: The parties propose five months from the entry of the order on Defendant's motion to dismiss, or October 22, 2008.
- e. Expert Disclosures: Fourteen days after the close of fact discovery.
- f. Completion of Expert Discovery: Forty-five days after the close of fact discovery. The parties will confer on the necessity of rebuttal expert reports and discovery following the initial expert disclosure.
- g. Electronically stored information: The parties will endeavor to exchange material in native format, unless such a production is found to be cost prohibitive.
- h. The parties have agreed that the inadvertent production of otherwise privileged material shall not constitute a waiver of any applicable privilege.

i. Dispositive motions with supporting memoranda are due thirty days after the close of expert discovery.

j. Final Pretrial Conference: To be scheduled at the Court's convenience.

k. Trial Date: To be scheduled at the Court's convenience.

C. Trial Status

A jury trial has been requested. The parties estimate that such a trial would take one week.

D. Consent to Proceed Before A Magistrate Judge

The parties do not, at this time, consent to proceed before a Magistrate Judge.

E. Settlement Status

The parties have discussed the possibility of a settlement, and those discussions are ongoing. The parties do not currently wish to have settlement conference.

Dated: June 6, 2008

Respectfully submitted by:

PAUL MOORE

/s/ Michael G. Dickler

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JEFFERIES & COMPANY, INC.

/s/ James R. Daly

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CERTIFICATE OF SERVICE

I, Michael G. Dickler, certify that on June 6, 2008, caused a true and correct copy of **PRELIMINARY JOINT STATUS REPORT AND DISCOVERY PLAN**, to be served upon all parties via the Court's electronic filing system.

/s/ Michael G. Dickler
Michael G. Dickler

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